


MEMORANDUM
COUNTY OF LOUDOUN

DATE: October 18, 2006

TO: Department and Agency Heads 

FROM: Kirby M. Bowers, County Administrator

SUBJECT: Action Report of the October 17, 2006 Board of Supervisors' Business Meeting

Listed below is a summary report of the Board's action taken at its October 17, 2006 Business Meeting. On items requiring follow-up, the staff person responsible is noted. Please work with your staff to follow through on the Board action as noted.

- The Board rescheduled its first meeting on November 7, 2006 Business Meeting to **November 8, 2006** at 9:30 a.m. in the Board Room.

- APPOINTMENTS

Supervisor Burton moved that the Board of Supervisors approve the appointment of the following:

1. Community Services Board – Confirmed the appointment of June Gertig. Seconded Vice Chairman Tulloch. The motion passed 9-0.
2. Committee on Financial Performance Audit
Supervisor Waters moved to suspend the rules. Seconded by Vice Chairman Tulloch. The motion passed 9-0.

Supervisor Waters nominated Carolyn Stevens.

Supervisor Snow nominated Brian Roherty.

Vice Chairman Tulloch moved that the Board of Supervisors confirmed Brian Roherty. (Seconded by Supervisor Snow. The motion failed 4-4-1, Supervisors Burton, Kurtz, York, and Waters voted no, and Supervisor Staton absent for the vote).

Supervisor Staton moved that the Board reconsider the vote. (Seconded by Supervisor Snow. The motion passed 5-4, Supervisors Burton, Waters, York, and Kurtz voted no).

The motion to approve confirmation of Mr. Roherty passed 5-4, Supervisors Burton, Waters, York, and Kurtz voted no.

3. Fire and Rescue Commission
Supervisor Burton nominated William McGann.

1. RESOLUTION OF APPRECIATION – KIRBY BOWERS

Chairman York moved that the Board of Supervisor approve the Resolution of Appreciation to Kirby M. Bowers, Loudoun County Administrator, for receiving the Marsh Institute Award in public administration. (Seconded by Vice Chairman Tulloch. The motion passed 8-0-1, Supervisor Staton absent for the vote). Staff Contact: Terri L. Laycock, Assistant County Administrator

- 1a. VDOT PRESENTATION / TRAFFIC ANALYSIS ON UPPER BROAD RUN AND UPPER FOLEY TRANSITION POLICY SUBAREAS

Dennis Morrison, District Administrator of VDOT, presented to the Board VDOT's latest rendition of the traffic analysis for the Transition CPAMs.

2. FINANCE AND GOVERNMENT SERVICES COMMITTEE –
COMPENSATION FOR BOARD MEMBERS AND BOARD APPOINTED
POLICY AND ADVISORY COMMITTEE FOR TERM BEGINNING 2008
ADMINISTRATIVE ITEMS REPORT

Chairman York made a substitute motion and moved that the Board of Supervisors forward this item to the December 12th Public Hearing to allow the public an opportunity to comment on this item (Seconded by Supervisor Clem. The motion passed 9-0).

Supervisor Delgaudio moved the recommendation of the Finance/Government Services Committee that, as of January 1, 2008, the Chairman's salary be increased from \$40,000 to \$58,800, the Vice-Chairman's salary be increased from \$22,400 to \$50,000 and the salaries of all other Supervisors be increased from \$22,400 to \$41,200; and

Supervisor Delgaudio further moved that Board members' salaries be increased by 3% on January 1st of each year, beginning January 1, 2009; and

Supervisor Delgaudio further moved that salaries provided to policy and advisory boards be increased as of January 1, 2008 as follows: Board of Equalization increase from \$100/day to \$147/day, Board of Zoning Appeals increase from \$2,175/year to \$3,197/year, Planning Commission increase from \$15,200/year to \$22,334/year, Social Services Board from \$0 to \$600/year and the Community Services Board from \$0 to \$600/year. (Seconded by Supervisor Staton. This motion was not voted on).

Staff Contact: Julie Withrow, Office of the County Administrator

3. CPAM 2005-0007, ARCOLA AREA/ROUTE 50

Supervisor Staton moved that the Board of Supervisors approve CPAM 2005-0007, Arcola Area/Route 50, as amended by the Board on October 17, 2006. (Seconded by Supervisor Snow. The motion passed 5-4, Supervisors Burton, Kurtz, Waters, and York voted no).

The following changes were made:

Vice Chairman Tulloch moved that the Board of Supervisors convert Land Bay K to business use without residential. (Seconded by Supervisor Burton. The motion passed 9-0).

Vice Chairman Tulloch moved that the Board of Supervisors change the policy from 16 dwelling units per acre to 14 dwelling units per acre on Land Bays F, F1, and G (Seconded by Supervisor Staton. The motion passed 7-2, Supervisors Clem and York voted no).

Supervisor Waters moved that the Board of Supervisors use the 14 dwelling units per acre policy to Land Bays A, B, and L. (Seconded by Supervisor Kurtz. The motion failed 2-7, Supervisors Waters and Kurtz voted yes).

Supervisor Waters moved that the Board of Supervisors add language to the policy that will provide development linkage between non-residential and residential uses; and appropriately phased. (Seconded by Supervisor Kurtz).

Supervisor Waters accepted Supervisor Burton's friendly amendment to include language in the policy that applications under this CPAM contain development linkage requirements; and for County staff to develop the development linkage between non-residential and residential uses language (The amended motion passed 8-1, Supervisor Snow voted no).

Supervisor Kurtz moved that the Board of Supervisors amend the Transportation Policies to include "Policy 6. Projected levels of service in all segments of the road network, including Route 50 will be level "D" in each phase at any new development (Seconded by Supervisors Waters. The motion passed 5-4, Supervisors Snow, Clem, Staton, and Delgaudio voted no).

Supervisor Kurtz moved that the Board of Supervisors add the following language under Unmet Housing Needs:

1. The County encourages a variety of housing types and innovative designs to be developed in mixed-use communities to assist fulfilling unmet housing needs.
2. The County will identify options for unmet housing needs ~~in the Arcola Area~~ not covered by the ADU zoning ordinance and work toward an implementation plan.

3. Developers of residential and mixed-use projects are encouraged to include proffers to fulfill unmet housing needs in their development proposals.
4. The County will explore options for the creation of programs, tools, and incentives both publicly and privately developed that will fulfill unmet housing needs.
5. The County will examine the authority to establish and use the benefits of Housing Trust Funds to help fulfill unmet housing needs.
6. The County will encourage public and private initiatives to provide increased housing opportunities for residents and the local workforce. Both programmatic and design approaches will be encouraged in all projects to fulfill unmet housing needs.
7. ~~Housing that is developed to fulfill unmet housing needs should be located near employment opportunities, community services and amenities.~~
(Seconded by Vice Chairman Tulloch).

Supervisor Kurtz accepted Mr. Tulloch's friendly amendment to delete "in the Arcola Area" in Policy #2 and delete Policy #7; and include language stating that this policy will be applied until such time as the Board adopts additional housing policy. (The amended motion passed 5-4, Supervisors Staton, Snow, Delgaudio and Clem voted no).

Staff Contact: Cindy Keegan, Project Manager, Department of Planning

4. ADMINISTRATIVE ITEMS REPORT

Vice Chairman Tulloch moved that the Board of Supervisors approve the October 17, 2006 Administrative Items Report (Seconded by Supervisor Snow. Consent item. The motion passed 9-0).

a. BUDGET ADJUSTMENTS

The Board of Supervisors moved to approve the following Budget Adjustments: BA-700557, BA-700655, BA-700670, BA-700684, BA-700739, BA-700749, BA-700770, BA-700771, BA-700776, BA-700777, BA-700782, and BA-700792.

Staff Contact: Ari J. Sky, Budget Manager, Management & Financial Services

b. BOARD OF SUPERVISORS MINUTES

The Board of Supervisors moved to approve the Minutes of the September 12, 2006 Public Hearing.

Staff Contact: Denise Reyes, County Administration

c. DEEDS FOR APPROVAL

The Board of Supervisors moved to approve the Deeds of Approval for the following:

- a) ESMT-2006-0111, River Creek Parkway
- b) ESMT-2006-0112, River Creek Parkway

Staff Contacts: William M. Himel, Department of Building and Development; and Ronald J. Brown, Assistant County Attorney

- d. FY 2007 COMMUNITY SERVICES BOARD STATE PERFORMANCE CONTRACT
The Board of Supervisors moved to approve the FY 2007 Community Services Board Performance Contract as presented.
Staff Contacts: Tom Maynard, Director, Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS); and Elizabeth Shockley, Finance Manager, DMHMRSAS
- e. SUPPLEMENTAL INFORMATION AND REQUEST FOR CHANGE/JUNE 6, 2006 BOARD ACTION REGARDING TRANSFER OF REVENUE SHARING BALANCES ON CLOSED OUT FY91 TO FY01 REVENUE SHARING PROJECTS
The Board of Supervisors moved to update the June 6, 2006 resolution previously forwarded to VDOT and acknowledge that funds in the amount of \$69,972.30 from projects 0007-053-R20, N502 and \$51,298.00 from project 0607-053-C501 are not available for transfer to the Route 15 South project but that additional funding in the amount of \$69,972.30 is available for transfer from project 0050-053-R10, N501.
Staff Contact: Terrie L. Laycock, Assistant County Administrator
- f. TERMINATION OF OPEN SPACE AGREEMENT BETWEEN PHILLIP VAN DOREN AND THE COUNTY OF LOUDOUN.
The Board of Supervisors moved to approve the requested termination of the Open Space Agreement between Phillip Van Doren and the County of Loudoun dated November 8, 2004 for PIN 515-20-7544.
Staff Contacts: Todd M. Kaufman, County Assessor; and Robert H. Willingham, Assistant Assessor
- g. HUMAN RESOURCES POLICY UPDATE
The Board of Supervisors moved to authorize the HR Handbook Policy revisions.
Staff Contacts: Susan Hack, Human Resources; and Barbara Brock; Human Resources
- h. SECONDARY ROAD ADDITION – LENA RUN HAMLETS, PHASES C & D
The Board of Supervisors moved to adopt the resolution.
Staff Contact: Rick Karle, Department of Building and Development
5. APPOINTMENT OF DESIGNEE / VOTING DELEGATE FOR VIRGINIA ASSOCIATION OF COUNTIES ANNUAL MEETING

Vice Chairman Tulloch moved that the Board of Supervisors designate Chairman York as Loudoun County's delegate to the Virginia Association of Counties (VACo) Annual Meeting, to be held November 14, 2006, and Vice Chairman Bruce Tulloch as the alternate delegate. (Seconded by Supervisor Staton. The motion passed 7-0-2, Supervisors Clem and Snow absent for the vote).

Vice Chairman Tulloch asked that specific positions of the Board be communicated at the VACO meeting.

Staff Contact: Memory Porter, Assistant to the County Administrator

6. BOARD INITIATIVE: JOINT PLANNING AREA FOR LEESBURG
Supervisor Clem moved that the Board of Supervisors endorse the Leesburg Joint Planning Area boundaries as depicted in Attachment 1 as the area that will be considered for joint planning with the Town of Leesburg with the understanding that the Crosstrail CPAM will proceed under its current schedule. (Seconded by Supervisor Snow.

Supervisor Clem accepted Supervisor Waters' friendly amendment to add an item to the next Board meeting regarding the County's response to the Town's request to annex a piece of property.

(The amended motion passed 7-2, Supervisors Burton and Kurtz voted no).

Staff Contact: Susan Berry Hill, Department of Planning

7. APPROVAL AND AUTHORIZATION TO EXECUTE DOCUMENTS TO PROVIDE FINANCING TO COMPLETE THE FINAL FOUR INTERCHANGES OF THE ROUTE 28 HIGHWAY IMPROVEMENTS PROJECT

Vice Chairman Tulloch moved that the Board of Supervisors adopt the Resolution entitled "RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A ROUTE 28 DOCUMENT AMENDMENT AGREEMENT; APPROVING THE FORMS OF A TRANSPORTATION PARTNERSHIP OPPORTUNITY FUND (TPOF) GRANT FINANCING AGREEMENT, A TPOF LOAN FINANCING AGREEMENT AND A DISTRICT CONTRACT AMENDMENT AGREEMENT, ALL FOR THE PURPOSE OF PROVIDING FUNDING FOR CERTAIN TRANSPORTATION PROJECTS ON STATE ROUTE 28; CONFERRING AUTHORITY TO EXECUTE AND DELIVER SUCH DOCUMENTS AND AGREEMENTS RELATING TO SUCH TRANSACTIONS AS MAY BE NECESSARY OR REQUIRED; AND DELEGATING TO THE CHAIRMAN, VICE CHAIRMAN, COUNTY ADMINISTRATOR, DIRECTOR OF MANAGEMENT AND FINANCIAL SERVICES AND COUNTY COMPTROLLER AUTHORITY TO DETERMINE AND APPROVE CERTAIN DETAILS OF SUCH DOCUMENTS AND TRANSACTIONS." (Seconded by Supervisor Waters. The motion passed 8-1, Supervisor Burton voted no).

Staff Contacts: Terrie Laycock, Assistant County Administrator; Mark D. Adams, Director of Management and Financial Services; Paul N. Arnett, Comptroller, management and Financial Services; and Mark Withrow, Debt Manager, Management and Financial Services

8. LEGISLATIVE ISSUES

Chairman York moved that the Board of Supervisors support the recommended positions for Items 1 through 12. (Seconded by Supervisor Burton. The motion passed 9-0).

[Please note the following:

Issue #5, Telecommunication Tax Reform, has been deferred until the next meeting; and

Issue #1c, Education and School Construction Funding, was voted separately; and it passed 8-1, Kurtz voted no].

1. Education and School Construction Funding
 - a. Support a significant increase in State education funding so that the State fully funds its share of the actual costs of meeting the Standards of Quality (SOQ). (*Board vote on September 6, 2005 9-0*)
 - b. Support additional new State revenues to assist localities to fund new school construction, renovation of public school facilities, technology infrastructure and debt service. (*Board vote on September 6, 2005 9-0*)
 - c. Oppose legislation that would mandate full day kindergarten. (*New issue*) (*Board vote on 10/17/06 8-1, Kurtz no*)
2. Comprehensive Services Act (CSA)
 - a. Support adequate State funding to cover both mandated and court-ordered non-mandated placement of children and to cover local costs for administering the Comprehensive Services Act. (*Board vote on September 6, 2005 9-0*)
 - b. Oppose a change in the State funding support for the Comprehensive Services Act, which would mandate that some localities increase the local match above the current cap of 45%. (*Board vote on September 6, 2005 9-0*)
 - c. Support the State maintaining the sum-sufficiency-provisions in Code of Virginia, Section 2.1-757C relating to the General Assembly's obligation to fund special education and foster care services and to meet relevant federal mandates for the provision of these services. (*Board vote on September 6, 2005 9-0*)
 - d. Support legislation to include educational services to children in Medicaid-funded residential treatment as a Medicaid-reimbursable service. (*Board vote on September 6, 2005 9-0*)

- e. Support the position that legislation requiring all CSA providers to become Medicaid providers should only be considered after a thorough study of the impacts of a mandated Medicaid provider system is conducted. *(Board vote on September 6, 2005 9-0)*
- 3. State and Local Taxes/Revenue Sharing
 - a. Oppose any reduction or narrowing in the taxing authority of local governments and that the General Assembly should not take any action to restrict the use of current local revenue sources. *(Board vote on September 6, 2005 9-0)*
 - b. Support any State revenue sharing formula to assist local governments with public infrastructure needs so long as the formula includes recognition in high residential growth localities. *(Board vote on September 6, 2005 9-0)*
- 4. State and Local Taxes/Car Tax Cap
 - a. Support legislation in 2007 that reinstates 70% relief to the taxpayer by increasing the cap on State reimbursements for the car tax. *(Board vote on September 6, 2005; 7-0-2 Supervisors Snow and Kurtz absent for the vote)*
 - b. Support legislation in 2007 to ensure localities receive their FY 2006 state car tax reimbursements (January 1 – June 30, 2006) from the Commonwealth (Spring biller issue) with a statewide cost of approximately \$230 million. *(Board vote on September 6, 2005; 9-0)*
- 5. Telecommunication Tax Reform

Support for this new telecommunication tax to fully replace lost revenues on a locality-by-locality basis in a manner to address future revenue growth. None of these new revenues should be diverted by the State to address any future shortfalls that it may experience. *(New Issue) (Board deferred until next meeting)*
- 6. Proffer System

Support Loudoun County's continued authorization under 15.2-2303 of the Code of Virginia to accept proffers under guidelines developed and adopted locally as one means for funding new growth and encouraging sound fiscal management of public and private resources. *(Board vote on September 6, 2005 9-0)*
- 7. Impact Fees

Support legislation permitting local governments to develop local ordinances to impose impact fees for school infrastructure on new “by-right” development. *(Board vote on September 6, 2005 9-0)*
- 8. Urban Transportation Service Districts/Road Maintenance by Counties

Oppose any legislation that would require counties to pay for maintenance of existing state roads and new subdivision streets. *(New Issue)*

9. State Reimbursement for Adult Detention Center
Support State funding reimbursement of \$6,452,260 of State's share of the Loudoun County Adult Detention facility (Phase I) costing \$25,809,070. *(New Issue)*
10. Autism
Support implementation of the Report on Autism conducted by the Virginia Disability Commission that calls for assignment for autism to a specific Department of State Government and calls for funding of services by the State of Virginia. *(Board vote on December 6, 2005 9-0)*
11. Medicaid Waiver for Mental Retardation Needs
Support a statewide increase in the Medicaid rate for mental retardation day support services of 14% and a rate differential for Northern Virginia of an additional 18%. *(New Issue)*
12. Local regulation of Fertilizer
Oppose SB-594 and similar legislation, which if enacted, would remove the ability for localities to regulate the proper storage, handling and labeling of fertilizers, which will hinder explosives prevention efforts and may limit future efforts to control use of fertilizers to protect streams and reservoirs. *(Board vote on February 26, 2006, 7-1-1 (Delgaudio-no, Tulloch-absent for the vote))*

Staff Contacts: Memory Porter, Assistant to the County Administrator; and John Sandy, Assistant County Administrator

9. HUMAN SERVICES COMMITTEE / LOUDOUN HEALTH COUNCIL MEMBERSHIP

Vice Chairman Tulloch moved that the Board of Supervisors approve the Human Services Committee recommendation to appoint the individuals outlined in Attachment I to the Loudoun Health Council. (Seconded by Supervisor Snow. Consent Item. The motion passed 9-0).

Staff Contacts: Dr. David Goodfriend, Director Loudoun County Health Department; and Julie Withrow, Office of the County Administrator

10a. TRANSPORATION/LAND USE COMMITTEE / ZMAP 2005-0022 / HALL ROAD PROPERTY

This item was deferred until November 78, 2006 at the request of the applicant.
Staff Contact: Lou Mosurak, Department of Planning

10b. TRANSPORATION/LAND USE COMMITTEE / ZMAP 2005-0026 AND SPEX 2005-0030 / ERICKSON RETIREMENT COMMUNITIES

This item has been deferred until November 78, 2006.

11. ZMAP 2004-0019 / TREBURG

Supervisor Snow moved that the Board of Supervisors approve ZMAP 2004-0019, Treburg, based on the findings contained in the October 17, 2006 Action Item and subject to the proffer statement submitted March 17, 2006 and revised through October 13, 2006. (Seconded by Supervisor Delgaudio. The motion passed 5-4, Supervisors Burton, Kurtz, Tulloch, and York voted no).

Staff Contact: Jane McCarter, Department of Planning

12. BOARD INITIATIVE: STANDARDIZATION OF LAND USE STAFF REPORTS

Supervisor Burton moved that the Board of Supervisors direct County Staff to standardize the information provided in their Action Item Reports for Land Use Items.

Supervisor Burton further moved that such reports contain the following information:

- number of residential units by-right;
- number of residential units requested in the application broken out by type of housing units (SFD, SFA, MFU);
- expected capital contribution;
- the monetary value of transportation proffers and the point in time when they are to be met;
- the monetary value of proffered capital contributions, broken out by type (cash, land, construction, etc.);
- the number of students generated by the application, the schools to which they will be assigned and the current capacity of that school less capacity assigned to previous rezonings;
- The number of units currently in the relevant planning sub-area pipeline;
- The difference between the total build-out planned for the sub-area and current units in the sub-area pipeline. (Seconded by Supervisor Snow).

Supervisor Burton accepted Supervisor Snow's friendly amendment to include by-right and built out information calculated using the same components.
(The amended motion passed 9-0).

Staff Contact: Mary Bathory Vidaver, Staff Aide to Supervisor Burton

13. BOARD INITIATIVE: TRANSPORTATION IMPACT FEE DISTRICT

Supervisor Staton moved that the Board of Supervisors direct Staff to begin the process of establishing transportation impact fee ordinance as authorized in Virginia Code 15.22-2317 through 2327 (Seconded by Chairman York. The motion passed 9-0).

14. PARTNERSHIP AGREEMENT WITH MAIN-TAUNUS-KREISS AND LOUDOUN COUNTY

Chairman York moved that the Board of Supervisors approve the Partnership Agreement between Main-Taunus-Kreis and Loudoun County. (Seconded by Supervisor Waters. The motion passed 7-2, Supervisors Snow and Delgaudio voted no).

15. BOARD SCHEDULE ADJUSTMENT FOR NOVEMBER 2006

Supervisor Delgaudio moved that the Board of Supervisors reschedule the November 7, 2006 Board Business Meeting to Wednesday, November 8, 2006. (Seconded by Supervisor Burton. The motion passed 9-0).

cc: Board of Supervisors
Planning Commission